SUPREME COURT OF THE UNITED STATES.

No. 65.

BUCKHANAN, HAGAN & Co. for the use of GEORGE BUCKHANAN, PLAINTIFFS,

vs.

WILLIAM TINNIN, RALPH CAMPBELL AND JOHN G. ANDREWS.

ON A CERTIFICATE OF DIVISION FROM THE CIRCUIT COURT U. S. FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

INDEX.

	Original.	Print.
Motion by plaintiff to quash marshal's return	1	2
Execution of fieri facias	1	2
Marshal's return	3	3
Question of division	4	3
Clerk's certificate	4	4

J. & G. S. GIDEON, Printers.

United States circuit court for the southern district of Mississippi.
May term, 1842.

BUCKHANAN, HAGAN & Co. Use of George Buckhanan,
vs.
WILLIAM TINNIN, RALPH CAMPBELL and JOHN G. ANDREWS.

This was a motion made by plaintiff in the above entitled case, to quash so much of the marshal's return on an execution of fieri facias, which issued from the clerk's office of this court, on the 16th day of December, 1839, in favor of Buckhanan, Hagan & Co., use of George Buckhanan, against William Tinnin, Ralph Campbell, and John G. Andrews, for the sum of four thousand four hundred and ninety-two $\frac{54}{100}$ dollars, with interest from 23d of May, 1839, until paid, together with costs, as is in the words and figures following, to wit:

"*Received on this execution thirteen hundred dollars, in Union money, 17th February*, 1840."

And in support of said motion, said execution of fieri facias was read in evidence to the court, which execution of fieri facias, together with the return and endorsements thereon, which were also read in evidence to the court, are in the words and figures following, to wit:

"UNITED STATES OF AMERICA, } ss.
Southern district of Mississippi. }

The President of the United States, to the marshal of the southern district of Mississippi, greeting: Whereas, at the May term, 1839, of the circuit court of the United States for said district, George Buckhanan, John Hagan, and Edward Whittlesey, under the firm of Buckhanan, Hagan & Co., for the use of George Buckhanan, recovered judgment against William Tinnin for the sum of four thousand four hundred and ninety-two $\frac{54}{100}$ dollars, with interest thereon at the rate of eight per centum per annum from the 23d day of May, A. D. 1839, until paid, together with costs and charges by said plaintiffs in and about their suit in that behalf expended, whereof the said defendant was convicted, as appears to us of record. And whereas, on the nineteenth day of June, A. D. 1839, an execution of fieri facias issued from our said court, directed to the marshal of said district, for the amount of said judgment, interest, and costs as aforesaid, which execution was levied on certain property of said defendant, which property was suffered to remain in possession of

said defendant, upon executing a forthcoming bond according to law, with Ralph Campbell and Jno. G. Andrews as security, which said bond was returned to our said court, at the November term thereof, A. D. 1839, by the marshal aforesaid forfeited, and thereby has the force and effect of a judgment, according to the statute in such case made and provided, as well against the said sureties as against the defendant to said original execution for said debt, interest and costs. Now, therefore, you are hereby commanded, that of the goods and chattels, lands and tenements, of the said William Tinnin, Ralph Campbell, and Jno. G. Andrews, late of your district, you cause to be made the amount of said judgment, interest, and costs, so recovered as aforesaid; also the sum of eighty-nine $\frac{67}{100}$ dollars, including the costs accrued since the emanation of said execution, and that you have the said moneys before our said circuit court, at a term to be held on the first Monday of May next, to render to the said plaintiffs; and have, also, then and there this writ.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, at Jackson, the first Mon-
[L. S.] day of November, A. D. 1839, and in the 64th year of the independence of the United States.

Issued the 16th day of December, 1839.

WM. BURNS, *Clk.*"

Endorsed. "No security of any kind is to be taken.

WM. BURNS, *Clk.*"

Marshal's Return.

"Received on this execution thirteen hundred dollars in Union money, 17th February, 1840, and balance suspended by order of plaintiffs.

W. M. GWIN, *Marshal.*
By J. F. COOK, *Deputy.*"

"Fees.

Com'n $1300 - - -	$19 00	
½ com's on $3282 21 - -	34 32	
Levy, ent'g and ret'g - -	6 50	
Mileage - - - -	1 50	
		$61 32"

It was admitted that the words "Union money," in said return, signified notes of the Mississippi Union bank, and that on the 17th day of February, 1840, said notes were worth but seventy-five cents to the dollar.

Which was all the evidence offered on the trial of said motion, which motion was contested by the said William Tinnin, Ralph Campbell, and Jno. G. Andrews; and on the question, whether that portion of said marshal's return, which is in the words and figures following, to wit:

"Received on this execution thirteen hundred dollars in Union money, 17th February, 1840," should be quashed, the judges were